

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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UNITED STATES OF AMERICA,                    )  
  )  
v.    ) Criminal No. 3:02CR00264 (AWT)  
  )  
WALTER A. FORBES                            )  
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**RULING ON MOTION OF NON-PARTY JOHN H. CARLEY'S MOTION TO QUASH  
THE SUBPOENAS SERVED BY WALTER A. FORBES**

As a general matter, testimony by John H. Carley concerning whose legal fees were reimbursed and whose were denied goes to bias with respect to those witnesses who were reimbursed. However, "a proper foundation must be laid before extrinsic evidence of bias may be introduced . . . . Prior to the proffer of extrinsic evidence a witness must be provided an opportunity to explain the circumstances suggesting bias." United States v. Harvey, 547 F.2d 720, 722 (2d Cir. 1976). Accordingly, any testimony by Carley with respect to witnesses in this trial must be limited to only those witnesses with respect to whom a proper foundation has been laid.

Defendant Forbes did not question Anne Pember, Kevin Kearney or Michael Monaco, each of whom appears to have finished testifying, about whether Defendant is paying their legal fees. But, because it is possible that defendant Forbes may at some point lay a proper foundation for introduction of such extrinsic evidence with respect to one or more witnesses in this case, Carley's motion to quash should not be granted. However, in view

of the manner in which the defense has proceeded so far, any issues between the parties as to Carley testifying shall be fully resolved before Carley is required to report to the court, in order to avoid unnecessary inconvenience to the witness.

For the reasons set forth above, Non-Party John H. Carley's Motion to Quash the Subpoena Served By Defendant Walter A. Forbes (Doc. No. 1734) is hereby DENIED without prejudice.

It is so ordered.

Dated this 5th day of November 2005 at Hartford,  
Connecticut.

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/s/  
Alvin W. Thompson  
United States District Judge